REMARKS

Applicants request entry and consideration of the amendment and remarks submitted herein. Applicants traverse all objections, rejections and assertions made by the Examiner. In response to the Restriction Requirement Applicants have canceled claims 36-45 without prejudice. Claims 30-25 are currently pending in this application.

Rejections under 35 U.S.C. § 112

Claims 30-32 are rejected under 35 U.S.C. § 112 as not enabling prevention of disease. Applicants disagree. However, claims 30 and 32 have been amended to replace the term "preventing" with the term "treating". Support for the amendment is found at pages 2-4. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 102(b)

Claims 30-35 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Myers et al., (WO 95/15758). The Examiner asserts that the reference teaches the use of 6,7-dimethoxy quinazoline compounds in the treatment of inflammatory response. The Examiner admits that the reference fails to disclose UVB-radiation-induced inflammatory response. However, the Examiner asserts that following the reference to administrate a drug that targets CSF-1R would inherently perform the same function claimed. Applicant disagrees.

The Examiner has not established a *prima facie* case of inherency. The Examiner has provided no factual or technical grounds establishing that the inherent feature necessarily flows from the teachings of the prior art. See Ex Parte Levy, 17 USPQ2d 1461, 164 (Bd. Pat. App. & Int. 1990). Specifically, the Examiner has provided no proof that inhibiting CSF-1R tyrosine kinase activity would necessarily treat UVB-radiation induced inflammatory response.

In fact, the claimed compounds have been found to inhibit a Janus family kinase, JAK3. Applicants have found that inhibiting JAK3 treats UVB-radiation induced inflammatory response. The reference is silent with regards to either JAK3 or UVB-radiation induced inflammatory response. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers et al., (WO 95/15758). The Examiner asserts that the reference teaches the use of a generic group of quinazoline compounds which embrace applicants instantly claimed compounds. The Examiner further asserts that the compounds are taught to be useful anti-inflammatory agents. The Examiner asserts that it is obvious to one skilled in the art to be motivated to select any of the species taught of the genus because the skilled chemist would have the reasonable expectation that any of the species of the genus would have similar properties and, thus, the same use as taught for the genus as a whole, i.e., anti-inflammatory agents. The Examiner recognizes that the reference fails to disclose inhibiting PGE2 but that "**it is well known that PGE2 is an important inflammatory mediate**". The Examiner further asserts that it has been held that a prior art disclosed genus of useful compounds is sufficient to render prima facie obvious a species falling within a genus. Applicants disagree.

The Examiner has not established a *prima facie* case of obviousness. Applicant submits that the reference does not disclose or suggest the claimed method. Further, there is no suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art at the time of filing, to modify the reference. Further still, there is no reasonable expectation of success to inhibit the release of prostaglandin E_2 with the claimed compound by modifying the reference teachings.

The reference fails to disclose inhibiting the release of prostaglandin E_2 with the claimed compounds. Applicants traverse the Examiner's assertion that "**it is well known that PGE2 is an important inflammatory mediate**". Consistent with MPEP §2144.03 and 21 February 2002 USPTO Memorandum, it is not appropriate to rely on common knowledge without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well known. Thus, Applicants request the Examiner to support this assertion of common knowledge with evidentiary support as required by MPEP §2144.03. Also, Applicants assert that one would not expect PGE2 to be inhibited by any compound used to treat inflammation generally.

Thus, Applicants assert that the Examiner has not established a *prima facie* case of obviousness. Withdrawal of the rejection is respectfully requested. In view of the above, claims 30-35 are patentable over the cited reference. Favorable reconsideration is requested.

CONCLUSION

Applicant respectfully requests withdrawal of the rejections and allowance of the claim. Prompt passage to issue is earnestly solicited. Should the Examiner feel a telephone interview would be helpful in advancing this case to allowance, Applicant invites the Examiner to contact their representative at the number listed below.

Respectfully submitted,

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23 April 2002
Date

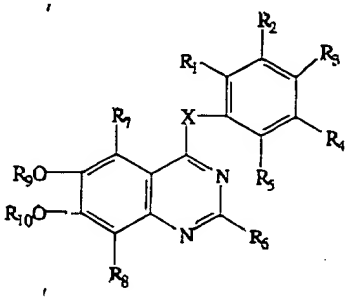
Brian C. Whipps
Reg. No. 43,261

MARKED-UP VERSION SHOWING CLAIM AMENDMENTS

Please cancel claims 36-45.

Please amend claims as follows:

30. (Once Amended) A method of ~~preventing or reducing~~ treating UVB radiation-induced inflammatory response in a mammal comprising administering to a mammal an effective amount of a compound of formula I:



wherein

X is selected from the group consisting of HN, $R_{11}N$, S, O, CH_2, and $R_{11}CH$;

R_{11} is (C_1-C_4)alkyl or (C_1-C_4)alkanoyl;

R_1 - R_5 are each independently selected from the group consisting of hydrogen, hydroxy and halo;

R_6, R_7, and R_8 are each independently selected from the group consisting of hydrogen, hydroxy, mercapto, amino, nitro, (C_1-C_4)alkyl, (C_1-C_4)alkoxy, (C_1-C_5)alkylthio and halo; and

R_9 and R_{10} are each independently hydrogen, (C_1-C_4)alkyl, (C_1-C_4)alkoxy, halo or (C1-C4)alkanoyl; or R_9 and R_{10} together are methylenedioxy; or a pharmaceutically acceptable salt thereof.

32. (Once Amended) A method of ~~preventing or reducing~~ treating UVB radiation-induced inflammatory response in a mammal comprising administering to a mammal an effective amount of a compound having a structural formula: